

THE PRESS LAW

(Enacted on May 6, 1909)

Article . I

What is termed the newspaper in the present Law is the works published under a fixed title regularly or not regularly within six months and also the works specially published without a fixed time under the same title as the said works.

The newspaper published under the same title in a different locality shall be regarded as a different newspaper.

Article II

Those mentioned below shall not be able to become publishers or editors of newspapers:

1. Those who do not reside within the territory of the Japanese Empire in which the present Act is enforced.
2. Those who are in the active service of the Army or Navy or those who are called to the colors.
3. Those who are under age, incompetent or quasi-incompetent.
4. Those who are serving prison terms or whose sentence has been suspended.

Article III

The printing office of a newspaper shall not be set up outside the territory of the Empire.

Article IV

The publisher of a newspaper shall report to the Minister of Home Affairs on the following items:

1. The title of the newspaper.
2. Description of the news items published in the newspaper.
3. Whether news on current topics is published in the newspaper or not.
4. The date of publication. In case the date of publication is not fixed, it shall be notified to that effect.
5. The date of the first issue of the newspaper.
6. The publishing and printing offices.
7. The name of the proprietor. In case the newspaper is owned by a juridical person, the names of the juridical person and his representative shall be notified.

8. The names and age of the publisher, editor and printer. In case there are two editors, the name and age of the managing editor shall be reported.

The report shall be made to the competent provincial authorities ten days before the first issue of the newspaper under the joint signature of the proprietor or his legitimate representative.

Article V

Changes in items No. 1 to No. 3 in the previous article shall be notified to the Home Minister by the publisher ten days before the changes and No. 4 or 6 or of the proprietor, editor or printer shall be notified to the same within seven days before or after the changes. Report of the change in proprietorship shall be made under the joint signature of the new and old proprietors or their legal representatives unless the change is caused by the death of the old proprietor.

Article VI

The publisher who has succeeded the old publisher by the latter's death or who has succeeded to the rights and obligations of the publisher who has been disqualified by the provisions in Article II shall go through the aforementioned formalities within seven days of his assumption of office.

Otherwise, the change of publisher shall be made ten days before the change.

Article VII

Those newspapers which fail to be published so. From the date of the first issue or the date of suspension or newspapers which fail to be published three times during the fixed period for their three publications, extending over 100 days shall be regarded as discontinued.

Article VIII

Newspapers shall not be permitted to be published unless provisional publishers or editors are appointed in case of the publishers or editors or in case they fall under the provisions of Article II or in case they travel outside the territory of the Empire for more than a month.

The provisions of the present Act governing publishers and editors shall be applied to provisional publishers and editors.

Article IX

The provisions of the present Act governing the responsibilities of the editors shall also be applied to the following:

1. Those who have taken actual charge of editing though they are not editors.
2. Those who have signed the articles published in the newspaper.
3. Those who have requested for the publication of a correction or a refutation in the newspaper.

Article X

The newspaper shall carry the names of the publisher, editor and printer and the address of the publishing office.

Article XI

Simultaneously with the issue of his newspaper, the publisher shall submit two copies to the Home Office and one copy each to the competent local authorities, the procurator's office of the local court and the procurator's office of the district court.

Article XII

Newspapers shall not publish news on current topics unless they deposit the following sum of money with the competent local authorities as a guarantee:

1. Two thousand yen in Tokyo and Osaka or within three ri outside their city limits.
2. One thousand yen in cities or wards of a city with a population each exceeding 70,000 or within one ri outside the limits of the said cities or wards.
3. Five hundred yen in other regions.

This deposit shall be reduced to one half for those newspapers which are published less than three times a month.

The deposit may be paid in securities designated by the Government.

Article XIII

The rights and obligations concerning deposits shall be succeeded to by the new publisher in case there is a change of publisher.

Article XIV

Unless the newspaper is discontinued there shall be no claim for the return or transfer of the deposit. This provision, however, is not applicable to the enforcement of the law governing the collection of the state tax or ruling for the compensation of damages for a crime against one's honor.

Article XV

In case the publisher or editor of a newspaper which has posted deposits with the Government fails to pay his fine or criminal law suit costs within ten days of the judgment the public procurator may draw on the deposits in full or in part.

Article XVI

In case the deposits fall below the fixed amount, the newspaper concerned shall not be permitted to be published. This provision, however, shall not be enforced for a week from the date when the deficit occurs.

Article XVII

In case a correction or refutation is requested by the person involved in or those concerned with a news item printed in the newspaper, the requested correction shall be made together with the requested correction or refutation published in full in the next issue or the issue after next following receipt of the correction.

The correction or refutation shall be made in the same type as the original.

Corrections or refutations which are against the law or those which are not accompanied with the full address of the one who makes the request need not be published.

In case the correction or refutation exceeds the original in wordage, the publisher may request the applicant for correction or refutation to pay for the excess wordage at the same rate as the fixed advertisement charges.

Article XVIII

When the newspaper publishes an extraction from the Official Gazette or another newspaper, it shall make a correction or publish a refutation in accordance with the previous provisions on receipt of the new edition of the Official Gazette or another newspaper though it may not be requested by those concerned, in case the Official Gazette or another newspaper has made a correction or refutation in a later issue. In that case, however, the newspaper shall not request for any charge.

Article XIX

Newspapers shall not publish the contents of the preliminary trial of a case before it is committed for public trial, the search whose publication is banned by the public procurator, and affairs relating to the accused on a preliminary trial or the arguments concerning a law suit which is conducted in camera.

Article XX

Newspapers without permission shall not publish documents which are not released for publication by the Government or public offices or the legislature or the proceedings of a meeting instituted in accordance with law, which is held in private session. This provision is also applicable to petitions or appeals which are not released for publication.

Article XXI

Newspapers shall not make public all articles designed to instigate or vindicate crimes or praise or give aid to criminals or the accused or to prejudice the accused.

Article XXII

The competent authorities shall suspend the newspaper in case the latter fails to report as provided under Articles IV to VI or makes false reports, or fails to post the stipulated deposits or pay up the deficit in the deposits as stipulated, until stipulated reports are made, or stipulated deposits are posted or the deficit in the deposits are paid up as stipulated.

Article XXIII

The Home Minister may prohibit its sales and distribution and, if necessary, seize it, in case articles in it are regarded as disturbing to peace and order or injurious to public morals.

In such a case, the Home Minister may prohibit the publication of those articles to the same effect.

Article XXIV

In case newspapers published abroad or even in Japanese territory where the present Act is not applied contain articles regarded as disturbing to peace and order or injurious to public morals, their sales and distribution in the region where the present Act is in force may be prohibited by the Home Minister and may be seized when deemed necessary.

The Home Minister may prohibit the importation or transport into the region where the present Act is in force of such a newspaper as has been punished twice within a year under the above provision.

Article XXV

The competent authorities may seize those newspapers, which have been imported or carried in against the provision paragraph 2 of the previous article or which has been printed for the purpose of selling and distributing against the prohibition order issued by the law court in accordance with the provision of Article XLIII.

Article XXVI

The competent authorities who have seized the newspapers in accordance with the present Act may dispose of them in case their seizure is not lifted for more than two years.

Article XXVII

The Minister of War, the Minister of the Navy and the Minister of Foreign Affairs may prohibit newspapers from publishing news on military or diplomatic affairs or place restrictions on its publication.

Article XXVIII

In case those who fall under Article II become a publisher or editor by falsifying the facts, they shall be sentenced to penal servitude of less than three months or fined less than 50 yen.

Article XXIX

Those who violate Article III shall be fined less than 300 yen.

Article XXX

The publisher of a newspaper shall be fined less than 100 yen in case he fails to report as stipulated under Articles IV to VI or makes false reports, or acts against the reports filed in accordance with the provisions under Article IV, Item 1 and Items 4 to 6 or violates Article XI shall be fined less than 100 yen.

Article XXXI

The publisher and editor of a newspaper shall be fined less than 100 yen in case they act against their reports filed in accordance with provisions in Article IV Items 2 and 3.

Article XXXII

The publisher of a newspaper or one who has taken actual charge of publication shall be fined less than 100 yen in case Article VIII, Paragraph 1 is violated after the publisher has died or has fallen under the provisions of Article II.

Article XXXIII

The publisher and editor of a newspaper shall be fined less than 100 yen in case they violate Article X or falsify the facts.

Article XXXIV

The publisher of a newspaper shall be fined less than 300 yen in case Article XII, Paragraph 1 and 2, Article XVI or the injunction stipulated in Article XXII is violated.

Article XXXV

The editor of a newspaper shall be fined less than 50 yen in case Article XVII, Paragraph 1 and 2 or Article XVIII is violated.

Article XXXVI

The editor of a newspaper shall be fined less than 500 yen in case Article XIX or XX is violated.

Article XXXVII

The editor of a newspaper shall be sentenced to imprisonment of less than three months or fined less than 200 yen in case Article XXI is violated.

Article XXIX

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Article XXXV

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Article XXXVI

The editor of a newspaper shall be fined less than 500 yen in case Article XIX or XX is violated.

Article XXXVII

The editor of a newspaper shall be sentenced to imprisonment of less than three months or fined less than 200 yen in case Article XXI is violated.

Article XXXVIII

The publisher and editor of a newspaper shall be sentenced to imprisonment of less than six months or fined less than 300 yen in case the prohibition or injunction under Article XXIII, the prohibition order under Article XXIV or the sentence of prohibition of publication under Article XLIII is violated. One who sells or distributes the said newspaper with the knowledge of the affair shall be fined less than 200 yen.

Article XXXIX

One who obstructs the execution of seizure, provided under Article XXIII, Paragraph 1, Article XXIV, Paragraph 1 or Article XXV shall be sentenced to imprisonment of less than six months or fined less than 300 yen.

Article XL

The publisher and editor of a newspaper shall be sentenced to imprisonment of less than two years or fined less than 300 yen in case the prohibition order or restrictions on the publication of news provided under Article XXVII is violated.

Article XLI

The publisher and editor of a newspaper shall be sentenced to imprisonment of less than six months or fined less than 200 yen in case such news item as are disturbing to peace and order or injures public morals is published in their newspaper.

Article XLII

The publisher, editor and printer of a newspaper shall be sentenced to imprisonment of less than two years or fined less than 300 yen in case such news items as are designed to impair the dignity of the Imperial Household, change the form of government or defy the Constitution are published in their newspaper.

Article XLIII

In case punishment is administered under provisions of Articles XL to XLII, the competent law court may prohibit the publication of the newspaper concerned.

Article XLIV

Provisions for the concurrent offences under the Criminal Code shall not be applied to the offences stipulated in the present Act.

Article XLV

When a criminal suit is filed against an article in a newspaper, charging crime against one's honor, the law court may permit the accused to prove the facts with the exception of those relating to private affairs in

case it is recognized that the said article is mostly intended for public interest and not published from an evil intention. In case proof is established, the accused shall be acquitted and exempted from the compensation of damages which may be claimed in connection with the said criminal suit.

The Rider

Press Regulations are hereby repealed. A delay of three years from the enactment of the present Law shall be granted in paying up the deficit to those newspapers which had been in existence since before the enforcement of the present Act, in case a deficit occurs in their deposits under provisions of the present Act.

Provisions under Article XXVI shall be applied mutatis mutandis to those newspapers which were seized prior to the enforcement of the present Act.
